

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OYSTER OPTICS, LLC,

Plaintiff,

vs.

CIENA CORPORATION,

Defendant.

) Case Number: 4:17-cv-05920-JSW

) **JOINT STATEMENT IDENTIFYING**
) ***DAUBERT* MOTIONS TO BE RESOLVED**
) **WITH THE MOTIONS FOR SUMMARY**
) **JUDGMENT**

The parties to the above-entitled action jointly submit this JOINT STATEMENT pursuant to Order 249. The parties met and conferred and agreed that the resolution of the below-listed *Daubert* motions would be *helpful* to the Court’s resolution of the motions for summary judgment. Resolving these *Daubert* motions will be helpful because the issues in the motions for summary judgment and *Daubert* motions are closely related. While the identified *Daubert* motions are intertwined with the pending summary judgment motions, the parties agree that the summary judgment motions also contain independent issues that can be resolved without requiring consideration of the *Daubert* motions.

1. Resolution of sections III.A to III.E of Ciena Corporation’s Motion to Exclude the Infringement Opinions and Testimony of Plaintiff’s Technical Expert, Keith Goossen, Ph.D., Under Fed. R. Evid. 702 and *Daubert* (Dkt. No. 180; Dkt. No. 177-8 (sealed)) will be helpful to resolving section III.A Ciena’s Motion for Summary Judgment (Dkt. No. 178; Dkt. No. 177-4 (sealed)).

2. Resolution of section III of Oyster Optics, LLC's Motion to Strike Certain Opinion of George Papen Re Invalidity of The Asserted Patents (Dkt. No. 185; Dkt. No. 186-3 (sealed)) and of section III.C of Ciena Corporation's Motion to Exclude the Validity Opinions and Testimony of Plaintiff's Technical Expert Keith Goossen, Ph.D, Under Fed. R. Evid. 702 and *Daubert* (Dkt. No. 181) will be helpful to resolving section III of Oyster Optics, LLC's Motion for Summary Judgment (Dkt. No. 182; Dkt. No. 184-3 (sealed)) and section III.B of Ciena's Motion for Summary Judgment (Dkt. No. 178; Dkt. No. 177-4 (sealed)).

Dated: October 21, 2022

By: /s/ Reza Mirzaie

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